

PAMELA O'LEARY TOWER #6152
1330 Pacific Tower
1001 Bishop Street
Honolulu, HI 96813
Telephone: (808) 526-9500
Facsimile: (808) 533-4588
Email: pamelatower@earthlink.net

Attorney for Defendant MARTIN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00193 SOM
)	
Plaintiff,)	
)	MOTION TO WITHDRAW AS
vs.)	COUNSEL AND TO APPOINT
)	COUNSEL TO REPRESENT
DWIGHT MARTIN)	DEFENDANT DWIGHT MARTIN
)	ON APPEAL; CERTIFICATE OF
Defendant.)	SERVICE
_____)	

MOTION TO WITHDRAW AS COUNSEL AND TO APPOINT COUNSEL TO
REPRESENT DEFENDANT DWIGHT MARTIN ON APPEAL

COMES NOW Defendant DWIGHT MARTIN, by and through his
counsel, PAMELA O'LEARY TOWER and hereby moves this Honorable Court
for an order permitting Pamela O'Leary Tower to withdraw as counsel and
appointing new counsel to represent him on appeal in United States v. Dwight

Martin, Cr. No. 03-00193 SOM.

The grounds for this motion are that Mr. Martin lacks sufficient funds to pay for counsel on appeal because he has exhausted his resources in paying for counsel (Pamela O'Leary Tower) for representation in the instant matter. Mr. Martin will submit a financial affidavit at the hearing on this matter. Ms. Tower cannot represent Mr. Martin on appeal because there may be issues involving effectiveness as counsel at the hearing on the motion to suppress in this matter, the denial of which is the subject of the conditional plea entered herein. Mr. Martin will be sentenced on August 14, 2006, in this matter. Ms. Tower hereby requests permission to withdraw after sentencing and to have new counsel appointed to represent Mr. Martin on appeal.

This motion is based upon the Sixth Amendment to the United States Constitution, Rule 47 of the Federal Rules of Criminal Procedure, 18 U.S.C. §3006A, Crim LR 44.1, Crim. LR 57.9, and such other authorities and argument as may be cited at a hearing on the merits.

DATED: Honolulu, Hawaii, August 12, 2006.

/s/PAMELA O'LEARY TOWER
Attorney for DWIGHT MARTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was duly served upon the following at their last known address:

Served Electronically through CM/ECF:

MICHAEL KAWAHARA
Assistant United States Attorney
PJKK Federal Building, Room 6100
300 Ala Moana Boulevard
Honolulu, Hawaii 96813
Attorney for the United States

michael.kawahara@usdoj.gov

DATED: Honolulu, Hawaii, August 12, 2006.

/s/PAMELA O'LEARY TOWER
Attorney for DWIGHT MARTIN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00193 SOM
)	
Plaintiff,)	
)	
vs.)	
)	
DWIGHT MARTIN,)	ORDER GRANTING MOTION TO
)	WITHDRAW AS COUNSEL AND
Defendant.)	FOR APPOINTMENT OF
_____)	COUNSEL ON APPEAL

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL AND FOR
APPOINTMENT OF COUNSEL ON APPEAL

Defendant DWIGHT MARTIN, having moved this Court for an order appointing counsel to represent her on appeal;

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Defendant's Motion to permit Ms. Tower to withdraw as counsel and appointing counsel pursuant to 18 U.S.C. §3006A to represent him on appeal in United States v. Dwight Martin, Cr. No. 03-00193 SOM be and hereby is granted.

IT IS APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, _____.

Magistrate Judge
United States District Court